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INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

RECKITT BENCKISER  
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PCT

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing  
(day/month/year)

04.11.2004

Applicant's or agent's file reference  
11052P3 WORH

## IMPORTANT NOTIFICATION

International application No.  
PCT/GB 03/03047

International filing date (day/month/year)  
14.07.2003

Priority date (day/month/year)  
24.07.2002

Applicant  
RECKITT BENCKISER INC

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international  
preliminary examining authority:



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## PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT  
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 11052P3 WO/RH	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/GB 03/03047	International filing date (day/month/year) 14.07.2003	Priority date (day/month/year) 24.07.2002
International Patent Classification (IPC) or both national classification and IPC C11D3/48		
Applicant RECKITT BENCKISER INC		



- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 5 sheets, including this cover sheet.
 

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

- This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand  19.01.2004	Date of completion of this report  04.11.2004
Name and mailing address of the international preliminary examining authority:   European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer  Neys, P  Telephone No. +31 70 340-4183  

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. **PCT/GB 03/03047**

**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17):*

**Description, Pages**

1-27 as originally filed

**Claims, Numbers**

1-12 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

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International application No. **PCT/GB 03/03047**

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**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes: Claims	10,11
	No: Claims	1-9,12
Inventive step (IS)	Yes: Claims	11
	No: Claims	1-10,12
Industrial applicability (IA)	Yes: Claims	1-12
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB 03/03047

**Re Item V**

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

D1: EP-A-0691397  
D2: WO-A-9919438  
D3: US-A1-2002058603  
D4: EP-A-0651048  
D5: GB-A-2336371  
D6: WO-A-0119944  
D7: WO-A-8605509  
D8: US-A-6017869  
D9: US-B1-6395698  
D10: GB-A-2346375  
D11: EP-A-0651049

**1. D1-D11 (D1: claims; examples; page 4, lines 16-45; page 3, lines 37-55 ; D2: examples 20-25; page 23, lines 22-28; D3: claims 1, 2, 4 and 5; examples; D4: claims; examples; page 2, line 34 - page 3, line 35; D5: claims 1-6 , 10 and 11; examples; page 21, lines 3-30; page 23, lines 1-10; page 18, line 14- page 19, line 10; page 5, line 25- page 8, line 19; D6: examples 2 and 3; D7: claims; example 1; page 16, line 23; page 13, line 18 - page 14, line 22; D8: claims; examples; column 13, lines 27-45; column 4, line 3 - column 5, line 57; D9: claims 1-10, 15-18 and 20; examples 3 and 4; column 5, line 43 - column 6, line 67; D10: claims 1, 8, 9, 12-15 and 18; examples 3-7; page 9, line 3 - page 12, line 26; page 16, lines 29-31; D11: claims 1-3 and 6; examples; ) all disclose cleaning compositions comprising a cationic surfactant having germicidal properties, a nonionic surfactant, a chelating as defined in claim 1 and water.**

The subject-matter of claims 1 is therefore not novel over any of the documents D1-D11 (Article 33(2) PCT).

2. The compositions of D1-D11 all comprise a ethoxylated alcohol as nonionic surfactant. The subject-matter of claim 2 is thus also not novel in view of D1-D11.
3. A combination of ethoxylated alcohol surfactant and an amine oxide surfactant is disclosed in D1-D4. The subject-matter of claim 3 is therefore not novel.

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

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4. D1-D11 disclose all the use of a chelating agent as described in claim 4, which therefore lacks novelty.
5. The compositions of D1-D3, D5-D9 discloses the use of the specific chelating agents of claim 5 . Claim 5 is not novel.
6. The compositions of D5-D8 can be used in an aerosol spray bottle, i.e. they comprise a propellant. The subject-matter of claim 6 is not new in view of D5-D8.
7. The subject-matter of claims 7 and 8 coincides with that of claims 3 and 4, and are thus not novel in view of D1-D4.
8. The compositions of D1-D3 discloses the use of the specific chelating agents of claim 9. The subject-matter of claim 9 is thus not novel.
9. The compositions of D1, D3-D11 are all used as hard surface cleaning compositions. Therefore, claim 12 is not novel.
10. The subject-matter of claim 10 differs from that of D1-D4 in that a propellant is present in the compositions.

The remaining objective problem is therefore to provide an alternative way of dispensing the compositions onto a surface.

Dispensing aqueous liquid cleaning/disinfecting compositions by an aerosol type product is known from D5-D8. The skilled person would therefore without exercising inventive skill use the compositions of D1-D4 in the aerosol type products of D5-D8, i.e. also introduce a propellant in the compositions of D1-D4.

The subject-matter of claim 10 is therefore not inventive in view of the combination of D1-D4 with D5-D8 (Article 33(3) PCT).

11. It is not allowable under Rule 6.2(a) PCT to define the subject-matter of a claim only by references to the description as is done in claim 11. However, none of the cited prior art documents discloses a composition which coincides completely with one the examples of the application.